



1653

PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

7

Application Number

09/870,216

Filing Date

May 30, 2001

First Named Inventor

Charles A. NICOLETTE

Group Art Unit

1653

Examiner Name

Not Yet Assigned

Attorney Docket No.

GZ 2101.00

RECEIVED
AUG 15 2002
TECH CENTER 1800/2300**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declarations☐ Extension of Time Request☐ Express Abandonment Request☒ Supplemental Information Disclosure
Statement w/ PTO 1449A & PTO
1449B☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53☐ Assignment Papers
(for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify
below):8 references, copy of International Search
Report, postcard receipt

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

or

Individual Name

Antoinette F. Konski
Bingham McCutchen LLP (formerly McCutchen Doyle Brown & Enersen LLP)
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

Signature

Date

Aug 6, 2002

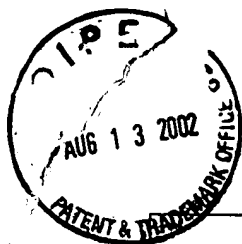
CERTIFICATE OF MAILING

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Dated: August 6, 2002.

Mary R. Zimmerman

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PATENT
Docket No. GZ 2102.00
GZ Ref. 5028 US

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Dated:

August 6, 2002

Mary R. Zimmerman
Mary R. Zimmerman

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Charles A. NICOLETTE

Serial No.: 09/870,216

Filing Date: May 30, 2001

For: THERAPEUTIC COMPOUNDS FOR
OVARIAN CANCER

Examiner: Not Yet Assigned

Group Art Unit: 1653

Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with 37 C.F.R. § 1.56, the references listed on the attached forms PTO-1449a and PTO-1449b are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. The Examiner is requested to make these documents of record.

I. Timing of the Information Disclosure Statement

This Information Disclosure Statement is submitted:

- ☐ With the new patent application submitted herewith (37 C.F.R. § 1.97(a)).
- ☒ ~~Within three months of the application filing date or before receipt of a first Office~~
Action on the merits; accordingly, no fee or separate requirements are required.

- ☐ Before the mailing date of the first Office Action on the merits. In the event, however that an Office Action has crossed in the mail with this Information Disclosure Statement, the Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a first Office Action on the merits but before a final Office Action or Notice of Allowance. A fee is required. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).
- ☐ After receipt of a final Office Action or Notice of Allowance, but before payment of the issue fee. Accordingly, a Certification under 37 C.F.R. § 1.97(e) is provided herein. The Commissioner is hereby authorized to charge Deposit Account No. 50-1189 for any fees required pursuant to 37 C.F.R. §§ 1.17(p) or 1.17(i)(1).

The undersigned certifies that:

- ☒ Each item of information contained in the Information Disclosure Statement was first cited in any communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

II. Copies of the Cited Items:

- ☐ Copies of all of the items listed on the attached Form PTO-1449 are enclosed.
- ☐ Copies of only the following items listed on the attached Form PTO-1449 are enclosed: _____.

- ☐ Copies of those items which are marked with an asterisk (*) in the attached Forms PTO-1449a and 1449b are not supplied because they were previously cited by or submitted to the Patent Office in a prior Application No. 09/249,272, filed February 11, 1999, now U.S. Patent No. 6,306,640 issued October 23, 2001, and relied upon in this application for an earlier filing date under 35 U.S.C § 120. See 37 C.F.R. § 1.98(d).
- ☐ Copies of those items which are marked with an asterisk (**) in the attached Form PTO-1499 were cited in a foreign examination report in a related case. A copy of the search report and the cited references not already of record in this application are attached hereto.

III. Concise Explanation of Relevance:

- ☒ A concise explanation of relevance of the items listed on Form PTO-1449 is not given.
- ☐ A concise explanation of relevance of [some of] the items listed on Form PTO-1449 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references (copy attached).

IV. Conclusion:

Citation of the above documents shall not be construed as:

1. an admission that the documents are necessarily prior art with respect to the instant invention;
2. a representation that a search has been made, other than as described above; or
3. an admission that the information cited herein is, or is considered to be, material to patentability as defined in § 1.56(b).

It is respectfully requested that the Examiner indicate consideration of the cited references by returning a copy of the attached form PTO 1449 with initials or other appropriate marks.

The Commissioner is hereby authorized to charge Deposit Account No. 50-1189, **Attorney Billing Ref. 19442-7216** for any additional fees required in connection with the filing of this Information Disclosure Statement.

Respectfully submitted,

Dated: _____

Aug. 6, 2002

By: _____

Antoinette F. Konski

Antoinette F. Konski

Registration No. 34,202

Bingham McCutchen LLP (formerly McCutchen Doyle Brown & Enersen LLP)
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#12

Substitute for form 1449A-PTO

Complete if Known

Application Number	09/870,216
Filing Date	May 30, 2001
First Named Inventor	Charles A NICOLETTE
Art Unit	1653
Examiner Name	Not Yet Assigned
Attorney Docket Number	GZ 2101.00

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number – Kind Code ² (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US-			
		US-			
		US-			
		US-			
		US-			
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		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)	Publication Date MM-DD-YY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	1	WO 97/34613	09-25-97	University of Virginia		
	2	WO 00/20457 A	04-13-00	Genzyme Corp.		
	3	WO 01/92294 A	12-06-01	Genzyme Corp.		
	4	WO 01/92306 A	12-06-01	Genzyme Corp.		

Examiner's
SignatureDate
Considered

* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov/patents/ST/ST_01.htm. ³ For documents issued by the two-letter code "WP" Standard ST 3. ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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First Named Inventor	Charles A. NICOLETTE
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Examiner Name	Not Yet Assigned
Attorney Docket Number	GZ 2101.00

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

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OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

[illegible]

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Examiner's
Signature

Date
Considered

* EXAMINER: Initial if reference considered, whether or not action is in conformance with ~~INFC 500~~ Draw line through citation if not in conformance and not considered. Include copy of citations with next communication to applicant.

* Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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